

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	1:22CR303-3
v.	:	
	:	
JAIME ROSADO FONTANEZ	:	

MOTION FOR FINAL ORDER OF FORFEITURE

NOW COMES Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and respectfully files this Motion for Final Order of Forfeiture in the above-styled case. In support thereof, the United States presents the following:

1. In the Indictment against the defendant JAIME ROSADO FONTANEZ, the United States sought forfeiture of all right, title, and interest in and to any property constituting, or derived from proceeds obtained, directly or indirectly, as a result of the violations alleged in Counts One and Four, and any property used or intended to be used to commit, or to facilitate the commission of the violations alleged. The property to be forfeited included, but was not limited to, the following:

a. \$18,233 in United States Currency.

2. On July 17, 2023, the defendant, JAIME ROSADO FONTANEZ, entered a plea of guilty to Count One of the Indictment, and agreed to forfeit to the United States all right, title and interest in and to any property

constituting, or derived from, proceeds obtained, directly or indirectly from, or used or intended to be used to commit, or to facilitate the commission of the offense, and the Court set a sentencing date of November 15, 2023.

3. The defendant, JAIME ROSADO FONTANEZ, in the Plea Agreement, knowingly and voluntarily consented and agreed to forfeit to the United States all right, title, and interest in and to the property described in paragraph 1 above. The defendant consented to the entry of an order of forfeiture for such property and waived the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instruments, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. The defendant acknowledged that the forfeiture of assets is part of the sentence that may be imposed in this case and waived any failure by the court to advise the defendant of this, pursuant to Rule 11(b)(1)(J), at the time the guilty plea was accepted.

4. By virtue of the Plea Agreement and other matters of record in this case, the United States has established that the defendant, JAIME ROSADO FONTANEZ, has an interest in the property subject to forfeiture.

5. By virtue of the Plea Agreement and other matters of record in this case, this Court entered a Preliminary Order of Forfeiture on September 20, 2023.

6. Thereafter, and in accordance with 21 U.S.C. § 853(n)(1), the United States properly published notice of the forfeiture of the above-described property and the requirements for filing a claim for the property on an official internet government forfeiture site from September 22, 2023 to October 21, 2023. A Declaration of Publication was filed herein on December 1, 2023 specifying the details of this publication.

7. On October 30, 2023, copies of the Notice of Forfeiture and Preliminary Order of Forfeiture were served via certified mail on Michael Sosa, c/o Stuart Teeter, Esq., The Teeter Law Firm.

8. Pursuant to 21 U.S.C. § 853(n), any person asserting a legal interest in the property subject to forfeiture had thirty (30) days from the final publication of notice, or of receipt of actual notice, whichever was earlier, to petition the Court for a hearing to adjudicate the validity of the defendant's alleged interest in the property.

9. No claims were filed within the thirty-day period, therefore any third-party interests in the above-referenced property are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture as proposed in the attached Order.

This the 30th day of July, 2024.

Respectfully submitted,

SANDRA J. HAIRSTON
United States Attorney

/s/ Randall S. Galyon
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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2024, this Motion for Final Order of Forfeiture was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following: Dylan W. Greenwood and Morgan Bennett.

I hereby certify that the document was mailed to the following non-CM/ECF participant: [None]

Respectfully submitted,

SANDRA J. HAIRSTON
United States Attorney

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